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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Thirteenth session

SUMMARY RECORD OF THE 237th MEETING

Held at Headquarters, New York,
on Wednesday, 19 January 1994, at 10 a.m.

Chairperson: Ms. CORTI

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (continued)

Initial report of Madagascar (continued) (CEDAW/C/5/Add.65/Rev.2)

1. Ms. RAJAONSON (Madagascar) responded to questions raised during the consideration of the report of Madagascar. With regard to article 2 of the Convention, the Constitution of the Republic of Madagascar prohibited any discrimination against women: any woman or women's organization that considered her or itself to have suffered such discrimination could refer the matter to the Constitutional High Court. Ratification had had a marked impact on Malagasy legislation. For example, until equal division of jointly owned property in the event of divorce had been instituted by an act of July 1990, it had routinely happened that only one third had been awarded to the woman; the joint place of residence of the spouses was now chosen by mutual agreement, and no longer by the husband alone; and, lastly, in the event of the death of a State employee, the surviving spouse now had the right to a pension, whether the deceased employee had been male or female - whereas previously widowers had not received any pension since women had not been considered full employees.

2. With respect to article 4, Madagascar had not adopted any temporary special measures in favour of women. The National Workshop on Women and Development, held in 1992 and opened by the Prime Minister, had called for a quota of 50 per cent of government positions for women, and, on the occasion of International Women's Day in 1993, a call had been made for at least 25 per cent of the membership of the National Assembly to consist of women - but those objectives had not yet been attained.

3. With regard to article 12, the Ministry of Health had a mother and child health service which, inter alia, dealt with the popularization of family planning.

4. Concerning the stereotypes referred to in article 5, social centres (training centres for girls who had abandoned their studies) generally provided training based on such activities as embroidery and sewing; in 1993 the officials running the centres had participated in a seminar intended to reorient training towards more remunerative and more motivating activities.

5. In general terms Malagasy legislation was largely based on tradition, essentially out of a concern for efficiency: the aim was to be progressive while remaining as close as possible to mores and customs in order to command acceptance and respect. In any event some customs were favourable to women; for example, women had the right to retain their maiden names after marriage, or to leave the family home in case of strife.

6. It was true, as had been noted, that the report of Madagascar lacked precise data and provided few details of specific measures. The next report would be more detailed and better documented, but it should be emphasized that the country was large, with deficiencies in infrastructure and administration.

(Ms. Rajaonson, Madagascar)

Communications were thus of particular importance, and radio offered the only means of reaching most of the country. There were two weekly programmes for women which dealt with questions relating to health, the law and home economics. In addition, a programme broadcast by the Ministry of Agriculture for people in rural areas often dealt with questions of particular interest to women. Further, meetings were organized in the context of a project for education for family life to disseminate information on health, family planning, spacing of births, women's rights, etc., and those educational meetings were broadcast on regional radio networks.

7. Non-governmental organizations played an important role. One such organization dealt with family planning and issued a monthly newsletter on questions relating to health and the law. Others sought to better inform women and to encourage them to participate in public life. All such activities involving communication, training and informal education were important in narrowing the gap between the law and women's knowledge of it.

8. The CHAIRPERSON welcomed the dialogue that had begun between the Committee and the representatives of the Malagasy Government during the consideration of its report, which had provided an opportunity to identify shortcomings, explain them and indicate guidelines for future action whereby Madagascar could derive the greatest benefit from the international instrument of the Convention - not by forsaking its traditions, on which its laws relied heavily, but by adapting its culture to modern times, taking into account the suggestions made by the Committee.

Initial report of the Libyan Arab Jamahiriya (CEDAW/C/LIB/1 and Add.1)

9. Mr. ABDULLAZIZ (Libyan Arab Jamahiriya) said that Ms. Salima Rachid, Assistant Secretary of the General People's Congress and Secretary for the Status of Women, was to have introduced the initial report on the legislative, legal and administrative measures taken by the Libyan Arab Jamahiriya in implementation of the Convention on the Elimination of All Forms of Discrimination against Women in accordance with article 18 of the Convention, but that she had been prevented from so doing by her participation in the work of the General People's Congress.

10. Introducing the report (CEDAW/C/LIB/1), he noted that in the Libyan Arab Jamahiriya there was no legislation or draft legislation that discriminated against women, and that the Libyan Government did not pursue any policy of discrimination, exclusion or coercion which would result in humiliation or a diminished status for women or which would seek to deprive women of their fundamental freedoms or the exercise of their political, economic, social, cultural, civil and other rights. Quite to the contrary, current legislation in the Libyan Arab Jamahiriya provided for equality between men and women, both in terms of responsibility and the law. That principle was itself reaffirmed in Islamic Shariah, under which women were not only treated with esteem and great respect but also enjoyed a role that, in some instances, was much more important than that of men. The Prophet himself had glorified women and mothers and Arab civilization had always accorded women a pre-eminent role.

(Mr. Abdullaziz, Libyan Arab Jamahiriya)

11. That was why the Libyan Arab Jamahiriya had enacted Law No. 8 of 1989, which granted women the right of entry into the judiciary and amended the content of school curricula to give women a role that was equal to that of men. In general the policy followed in the Libyan Arab Jamahiriya was intended to promote the role of women, to encourage women to exercise all their civil, political, social and cultural rights, and to allow them to participate in areas of public life that had previously been closed (political parties, police force, judiciary, diplomatic services, army, etc.). In the field of science, women had the same opportunities as men, in terms of both education and employment.

12. Chapter VII of the initial report indicated that the Libyan Arab Jamahiriya prohibited and punished prostitution in accordance with the provisions of article 6 of the Convention on the Elimination of All Forms of Discrimination against Women.

13. Chapter VIII of the report indicated that Libyan women could participate without restriction, and on the same basis as men, in political and public life, that they could apply for any post, including the highest, and that they could freely join trade unions, associations and professional groups. In addition there were grass-roots women's people's congresses which debated all questions of relevance to domesti and foreign policy, development plans, annual budgets and follow-up reports on various projects. Further, as indicated in paragraph 9 of the addendum to the initial report, Law No. 106 of 1975, concerning women's organizations, had been enacted in order to enable women to engage in political and social activities through women's non-governmental organizations. The paragraph provided lists of such organizations, among which the General Union of Women's Associations played a pre-eminent role, as did the Libyan Arab League for Social Defence of the Family against Crime and Delinquency and the Libyan Arab Family Association. All the initiatives referred to in chapter VIII of the report and paragraph 9 of the addendum had been taken in implementation of article 9 of the Convention on the Elimination of All Forms of Discrimination against Women.

14. Chapter IX of the report emphasized that women in the Libyan Arab Jamahiriya could represent their country officially at the international level and could participate fully in the work of international organizations, in accordance with the provisions of article 8 of the Convention on the Elimination of All Forms of Discrimination against Women. Moreover, the Libyan Arab Jamahiriya was seeing to it that women were properly represented in Libyan delegations sent to participate in the work of the United Nations General Assembly and also in conferences, seminars and symposia organized by various organizations.

15. As shown in chapter X of the initial report, in the Libyan Arab Jamahiriya, men and women enjoyed the same rights with respect to obtaining, changing or keeping their nationality; nothing prevented women from exercising those rights, and, in the case of marriage to a non-Libyan or to a Libyan who changed his nationality, a Libyan women would lose her nationality only if she decided to adopt the nationality of her spouse. Those were precisely the rights set out in article 9 of the Convention.

(Mr. Abdullaziz, Libyan Arab Jamahiriya)

16. Chapter XI of the report noted that girls had access to education on an equal basis with boys; boys and girls followed the same programmes and could select the same courses of study, and girls were represented equally in pre-schools, elementary schools, secondary schools and institutions of higher education. The statistics showed that, between 1970 and 1989, the percentage of female students in elementary and secondary schools had increased steadily, and, in secondary schools, the number of female students was approaching that of male students. Furthermore, girls had access to the same scholarships and the same health care services as boys and also enjoyed special privileges, including transport between home and school.

17. Legislation in force in the Libyan Arab Jamahiriya accorded equal rights to women and men with regard to matters of employment, training, re-training, salary, social security, health insurance and other areas specified in article 11 of the Convention on the Elimination of All Forms of Discrimination against Women. The principle of equality was enshrined in the Civil Service Act, No. 55 of 1976, Act 15 of 1981 on salary scales and the Labour Act, No. 58 of 1970, and also in decision No. 258 of the General People's Committee which had been adopted in 1989.

18. In addition, according to the most recent estimates for the year 1990, women represented 17.7 per cent of the Libyan labour force; by law and custom women were not excluded from any professions or positions except those that required hard and dangerous work or were not compatible with women's nature.

19. Also, women who worked during pregnancy were entitled to maternity leave and enjoyed certain privileges. A woman did not risk losing, as a result of being pregnant, her job, seniority or any salary increases to which she might be entitled. Furthermore, special benefits were granted to women during pregnancy and upon the birth of the child.

20. Paragraph 6 of the addendum to the report contained information, including numerical data, on the number of women occupying such posts as judge, deputy prosecutor, people's advocate, etc.

21. Paragraph 12 of the addendum indicated that, while women were present in all types of occupations in the Libyan Arab Jamahiriya, to date, the number of women in managerial positions remained inferior to that of men - an inequality that could be explained by the fact that women had only recently entered the labour market.

22. Paragraph 13 of the addendum dealt with the role of women in the army.

23. Chapter XIII of the initial report, which dealt with women and health care services, emphasized that women enjoyed the same rights and access to health care services as man, in accordance with the provisions of article 13 of the Convention; that chapter also provided data on Libyan medical facilities, doctors and paramedical professionals, including figures on the number of women practising those professions. Paragraph 4 of the addendum described services for disabled women.

(Mr. Abdullaziz, Libyan Arab Jamahiriya)

24. Chapter XIV of the report, which dealt with the implementation of article 13 of the Convention, noted that, in the Libyan Arab Jamahiriya, women faced no discrimination in obtaining access to credit and to all forms of social benefits.

25. Chapter XV of the report listed the measures taken by the Libyan Arab Jamahiriya to promote the rights of rural women, in accordance with article 14 of the Convention. Among the measures discussed, in that regard was creation of centres for rural development, the number of which had reached 120 to date. By the end of 1989, the centres had served a total of 6,827 women and had granted 2,839 certificates in domestic sciences. The centres offered training in literacy and housekeeping, raised women's awareness regarding questions of health and agriculture, and also provided instruction in religion and needlework.

26. With regard to legal equality, as indicated in chapter XVI of the report, Libyan law specifically stated that all Libyan nationals had equal rights and dignity before the courts and that all measures not conforming to that principle would be considered null and void. Moreover, Libyan women enjoyed the same rights as men whether those rights were personal, civil, political or social. In marriage, Libyan women were considered financially independent from their husbands and also had the right to earn money, inherit, make donations, possess real estate, make lawful profits and buy and sell, bring lawsuits, engage in transactions and dispose of their goods and capital as they wished, without having to seek approval from anyone. Lastly, Libyan law recognized women's legal capacity as being identical to that of men. Those rights were in keeping with the provisions of article 15 of the Convention.

27. In the Libyan Arab Jamahiriya, family relations were subject to law No. 10 of 1984 regarding marriage and divorce, and also to the precepts of Islamic Sharia law, as indicated in chapter XVII of the report; in addition, the report noted that under the above-mentioned law, a women had the right to choose her husband. She also participated with her husband in the education of children and had the right to inherit property and to have custody of minor children. Lastly, the law regulated in accordance with the provisions of article 6 of the Convention the other responsibilities of spouses in marriage and when they divorced.

28. Paragraph 15 of the addendum to the report stated that the Libyan Arab Jamahiriya had broadcast the text of the Convention on the Elimination of All Forms of Discrimination against Women over the radio.

29. Paragraph 16 of the addendum described the emotional suffering and the damage inflicted on Libyan women by the embargo that was decreed under Security Council resolution 748 (1992); that suffering would be more acute when resolution 883 (1993), which had called for a strengthening of the sanctions, began to be applied.

30. His country's main reason for adopting laws and policies aimed at improving the status of women and to eliminate forms of discrimination against them lay in the conviction that women and men were equal and the awareness that women must play a fundamental role in the political, economic, social and cultural fields.

(Mr. Abdullaziz, Libyan Arab Jamahiriya)

31. Indeed, although Libyans had been forced by colonialism to live in a state of isolation, backwardness and obscurantism, and although women had become emancipated only recently, it could not be denied that Libyan women had succeeded in entering a number of fields and had proven their ability and potential. The Libyan Arab Jamahiriya did not claim to have achieved all its goals with respect to the advancement of women, but it believed that the path it had chosen was correct and that it had made a promising start.

32. The CHAIRPERSON noted with appreciation the Libyan Arab Jamahiriya's establishment of a programme to combat AIDS and also the increase in the number of Libyan women in the legal profession. The Committee was concerned that the Convention on the Elimination of All Forms of Discrimination against Women, especially article 16, should be implemented, and in that connection the Committee considered the presentation of the report of the Libyan Arab Jamahiriya to be a very significant event.

33. Ms. NIKOLAEVA, while welcoming the cooperation between men and women within the Committee, would have preferred the report to be presented by a woman, so that the Committee could hear the voice of Libyan women.

34. In her view, the report seemed rather theoretical and contained a number of gaps. For instance, nothing in the report could confirm that men and women were equal in practice. There were few statistics on rural women, no specific information on obstacles to the implementation of the Convention, and no explanation of the reservations made by the Libyan Arab Jamahiriya. At the World Conference on Human Rights, it had been decided that in 1994, all States would lift their reservations and ratify the Convention; she would like to know how Libya intended to implement that decision. Certainly, the reality could not be as idyllic as had been depicted. In its subsequent reports, the Government should address the articles of the Convention one by one, give more information on relevant domestic legislation and clearer explanations of any changes in such legislation, and indicate whether any laws had been repealed because they ran counter to the Convention. The reports should show how Libyan law provided specific protection to women and whether special measures had been taken to that effect.

35. Ms. FORDE said that, while she appreciated Libya's efforts, she too was concerned by its reservations to the Convention. She would like to hear a response to the objections that several countries had lodged to those reservations. The measures taken to provide services to handicapped women were admirable; she wished only that the Committee had been provided with more information on their actual impact.

36. Ms. GARCÍA-PRINCE said that a policy of combating discrimination could not be conducted without taking into account the religious, ideological and cultural components of a country's traditions. When those traditions ran counter to the provisions of the Convention, there must be the political will to review the status of women and its religious context according to modern and flexible standards of interpretation, allowing change in some social practices that appeared completely natural but continued to oppress women. That was particularly important in the case of the report under discussion, in which the

(Ms. García-Prince)

idea kept recurring that the behaviour of women, by nature, differentiated them from men. As the twentieth century drew to a close, it had been amply demonstrated that the behaviour of both sexes had cultural and historical roots, and was therefore definitely not immutable. Equality was not a relative concept open to different interpretations, but an absolute value defined by international human rights instruments. Discrimination stemming from religious practice must not be concealed; on the contrary, it must be addressed in an understanding but contemporary spirit. Religious freedom was recognized by international law, but it must not serve as a shield behind which all States could avoid their obligations in the area of human rights and improve the status of individuals, and more specifically of women.

37. Finally, the idea of tasks which came naturally to women or of certain social groups to which they belonged by nature was totally inadmissible. The second report of Libya must contain more complete information on each of the articles of the Convention; the first report addressed articles 1 to 5 together in a cursory manner, virtually ignoring such basic issues as cultural change, effective guarantees of equality and the existence of a policy to combat discrimination which was truly in accordance with the measures adopted by the international community.

38. Ms. AYKOR said she had noted a certain number of errors and contradictions in the report. In table 1, it took some time to understand that the third age group represented persons aged over 60; thus it became clear that half of Libyan women were under age 15 and that there were very few elderly Libyan women, which suggested that special measures had been taken to improve the status of young people, particularly girls. Moreover, table 2 did not give figures on the rural exodus to indicate whether it occurred individually or in family groups and what proportion of women was involved.

39. In the chapter dealing with articles 1, 2, 3, 4 and 5, the same paragraph said, on the one hand, that there were no obstacles preventing women's progress and development, and, on the other hand, that the male was the head of the family and that, as women were physically different, each sex had a particular role to perform in society. Although other chapters of the report stated that equality of the sexes was guaranteed in Libya, it was readily apparent that stereotypes remained solidly entrenched in the country's mentality.

40. Apparently contradictory information concerning custody of children in divorce cases could also be found in the two final paragraphs of chapter VI and in the seventh paragraph of chapter XVII.

41. It would be useful to receive an explanation of those contradictions. The second report should contain more statistical information, especially on migration, the school drop-out rate, laws granting priority to women and the changes in mentality regarding stereotypes.

42. Ms. CARTWRIGHT said she shared the concerns expressed by some of her colleagues with regard to the reservations made by the Government of the Libyan Arab Jamahiriya on ratifying the Convention, the reason given being the supremacy of the Sharia. Since the Libyan Government believed that Islamic law provided more rights to women than national and international legislation, she

(Ms. Cartwright)

requested that it should consider the possibility of withdrawing those reservations which related particularly to article 2 of the Convention, taking into account the objections of many States parties in that regard. Libya would thus show that it was complying fully with the Convention.

43. Ms. AOUIJ emphasized how important it was that an Arab and Moslem country had joined the list of countries ratifying the Convention. She believed that the political will and the progressive ideas of the Libyan Government had been reflected in a definite improvement in the status of Libyan women over the past 25 years, particularly where health and education were concerned. Women were called to participate in all areas, including the army, as witnessed by the establishment of a military school exclusively for the training of female officers. The Libyan President himself had recognized that women's work contributed not only to their self-fulfilment but also to the country's development, and that the double burden of working women was unjust. Nevertheless, he had not gone so far as to suggest that men should share and participate in household tasks and child care. Currently, Libyan women were employed in all sectors, particularly in teaching and medicine, and their numbers would increase because of the economic downturn. For that reason, the precepts of the Koran concerning family life, motherhood, family planning and contraception should be reviewed within the framework of an evolving interpretation in order to conform not only with the terms of the Convention, but also with the demands of modern society.

44. She stressed the relationship between health and economic productivity. A contradiction could be detected in the attitude of the Libyan Government, which on the one hand introduced revolutionary measures, and on the other emphasized women's role as mothers and housewives, thus reinforcing already strong cultural resistance. The appointment of women judges demonstrated that it was possible to adapt legislation to circumstances. Not only the letter but the spirit of the law must change in a society where inequality between men and women was deeply rooted in popular tradition and culture. Legal literacy for women could make a major contribution. The economic crisis, aggravated by the United Nations sanctions, which were still in effect and were even more regrettable because they affected the nutrition, health and lives of women and children, could slow the progress made in the advancement of women. Religious fundamentalism represented the greatest threat to women's dignity and life. For all those reasons, women must be granted more power, and above all the means of exercising it. Lastly, she welcomed the establishment of a department of women's affairs and the encouragement given to women's organizations in Libya.

45. Ms. SCHÖPP-SCHILLING said she shared the concerns expressed by her colleagues with regard to the reservations made by the Libyan Government. Mentioning the recommendation made at the previous session and recalling the importance of the place of women within the family, she urged the Libyan Government to re-examine its reservations in the light of the objections made with a view to withdrawing them.

46. She requested clarification of several points. Concerning article 16 of the Convention, she would like to know the relationship between the Sharia and the Convention, particularly in areas where their provisions were not identical. She saw a contradiction in stating that stereotypes on the roles of men and

(Ms. Schöpp-Schilling)

women had been eliminated from textbooks, but adding, in the same sentence, that each sex had its own particular role to perform in society. She also asked if the Great Green Charter on Human Rights published by Libya embraced the United Nations conventions relating to human rights or distanced itself from them. Finally, she stressed the importance of articles 1 to 5, which should be addressed separately in more abundant detail, in particular article 5 concerning stereotypes and article 4 concerning temporary measures taken for the advancement of women.

47. Ms. TALLAWY said that, while she was grateful to the representative of the Libyan Arab Jamahiriya for introducing his country's report, she would have preferred it if that document, which was of considerable significance to the countries of the region, had been presented by a woman.

48. None the less, she welcomed the fact that equality between men and women had been achieved in the Libyan Arab Jamahiriya, that Libyan women had been allowed to hold judicial positions and to serve in the army. She also commended the establishment, in 1988, of the Centre for Documentation, Research and Studies relating to Arab Women, the likes of which had, up until that time, not existed in the Arab world. She also expressed great satisfaction that Libya had set the minimum marriage age for both sexes at 20 years and she hoped that many other countries would do the same. She was also pleased to note that school textbooks had been revised in order to eliminate common female stereotypes, that measures had been adopted to limit the number of wives authorized under polygamy and that the Jamahiriya had endeavoured to promote wider awareness of the Convention.

49. She welcomed the interpretation of the Islamic Shariah given in the report.

50. Furthermore, she was sympathetic to the suffering which the sanctions imposed under Security Council resolution 748 (1992) had inflicted on the Libyan population and noted that the poorest segments were affected by the economic crisis brought about by the sanctions. She believed that a different approach should have been taken so as to spare the population the consequences.

51. She hoped that, in its next report, the Libyan Arab Jamahiriya would focus not on laws and the constitution, but rather on actual conditions and the practical measures that had been adopted to promote equality between men and women. In fact, as it had already been pointed out, the Libyan Arab Jamahiriya had adopted several such measures, a fact that could have been mentioned in the chapter devoted to the implementation of article 4 of the Convention. She likewise hoped that the next report would give detailed information regarding the implementation of each article of the Convention.

52. On the subject of reservations, she strongly urged the Libyan Arab Jamahiriya to withdraw the reservations it had expressed with regard to the Convention on the basis of the Islamic Shariah. Noting that her own country, Egypt, had expressed the same views and reservations as the Libyan Arab Jamahiriya, she said that she did not see why those reservations should be upheld out of respect for the Shariah, when the report had emphasized the pioneering role the Shariah had played in promoting women's rights.

(Ms. Tallawy)

Furthermore, those reservations might imply that the Shariah did not actually acknowledge the full rights of women. In that regard, she recalled that, as she was well aware that many members of the Committee did not understand clearly the Islamic Shariah and too often tended to give it a hasty interpretation, she had submitted to the Economic and Social Council a proposal recommending that a report be compiled that would list the various rights Islam granted to women and could provide useful instruction for Committee members. However, the proposal had given rise to some misunderstanding in the Economic and Social Council and the proposed report had never been produced. Consequently, she strongly urged the Islamic Arab countries to spare no effort to ensure that such a document was produced and appropriately distributed under the auspices of an Islamic institution and she hoped that the Libyan Arab Jamahiriya would play a leading role in that effort.

53. The CHAIRPERSON invited Committee members to ask questions on specific articles.

Article 4

54. Ms. MÄKINEN said she shared her colleagues concerns regarding the reservations entered by the Libyan Arab Jamahiriya on ratifying the Convention. She sought clarification regarding the new department of women's affairs, and asked what its objectives were, how it cooperated with other women's organizations and whether or not it intended to adopt specific temporary measures to improve the status of women in Libya.

Article 5

55. Ms. CARTWRIGHT commended the fact that the Libyan Arab Jamahiriya had prohibited violence against women on the same grounds as all other forms of violence. She asked what measures were in force to prevent violence against women and protect the victims. She asked whether women had the right to leave their husbands and live completely independently. She asked whether female circumcision was practised and, if so, whether it was authorized by law or by custom and what measures had been suggested to eliminate that practice.

56. Ms. ABAKA pointed out that traditional customs often impeded the development and advancement of women. She asked whether any such customs existed in Libya and what measures had been adopted to eradicate them and to ensure that women had equal opportunity in all areas.

Article 6

57. Ms. BUSTELO GARCÍA del REAL joined her colleagues in welcoming the ratification of the Convention by the Libyan Arab Jamahiriya and the progress made in that country with respect to the advancement of women. Like her colleagues, she hoped that the Libyan Government would consider the possibility of withdrawing its reservations to the Convention and asked that in future reports it take greater account of the Committee's recommendations Nos. 12, 15 and 19 regarding violence against women. Reiterating the questions asked by Ms. Cartwright, she emphasized the importance the Committee accorded to the information it received regarding violence against women, which was a violation

(Ms. Bustelo García del Real)

of the human rights of women and was the subject of a declaration adopted by the General Assembly at its forty-eighth session.

58. She requested further information, as detailed as possible, regarding prostitution, not only having to do with the legislation in force, but also regarding the actual situation in the country. She asked whether prostitutes enjoyed protection of their legal rights equal to that of other women. It would be useful if the Libyan Government provided, in its responses and perhaps in future reports, information that would make it possible to assess how widespread the phenomenon of prostitution was. Finally, with regard to the last sentence of chapter 7 of the initial report (which read "Moreover, the law prohibits artificial insemination so as to protect and preserve kinship"), she questioned the explanation for the prohibition and asked why that issue had been addressed in a section dealing with the exploitation of women.

59. Ms. GARCÍA-PRINCE asked why prostitution and adultery were punished under the same law. She asked if the prison sentence, to which anyone who consentingly had sexual relations with another person outside of marriage was subject, applied to the prostitute or to the man who had solicited her services. She asked what was the nature of that sentence, the criteria for its application and what was understood by "indecent act". She endorsed Ms. Bustelo García del Real's remarks regarding the prohibition of artificial insemination. She asked whether male prostitution existed in urban areas and whether male prostitutes were subject to the same penalties and measures as female prostitutes.

60. Ms. LIN Shangzhen also expressed surprise that prostitution and adultery were treated under the same section. She asked what were the specific penalties to which anyone who incited or forced a female to engage in prostitution were subject under articles 415 and 416 of the Penal Code. She asked whether those penalties were harsher than those applied to prostitutes and whether women who were found guilty of adultery were sentenced to the same penalties under article 407 of the Penal Code as men.

61. Ms. OUEDRAOGO regretted that only the de jure situation had been discussed with regard to prostitution and requested more information regarding the existence of that phenomenon and the categories of women affected by it.

62. Ms. ABAKA also expressed surprise that artificial insemination was prohibited under article 6, while from a medical point of view, it had absolutely nothing to do with prostitution and would be more appropriately dealt with under articles 12 and 16.

Article 7

63. Ms. AYKOR asked whether the women's associations mentioned in chapter VIII of the report were established by the women themselves or by the authorities. She also wondered whether the members of the people's Committees were elected or appointed.

64. Ms. GARCÍA-PRINCE said that it was discriminatory for women to take part in making decisions at female basic people's congresses and for educational

(Ms. García-Prince)

training and service facilities to be established to assist women in entering occupations that were "appropriate to their natural capacities".

65. Ms. SCHÖPP-SCHILLING sought more information on the respective roles of men and women in the people's congresses and wanted to know what issues were considered at those congresses.

66. Ms. BUSTELO GARCÍA del REAL said that an explanation of the political organization of the country would be extremely useful in helping members to understand chapter VIII of the report on article 7 of the Convention. In future, the Committee would also like to have a detailed breakdown of high-level political posts held by men and women.

67. The meaning of the last sentence of the chapter, which stated that no political concentration camps existed in the country, was not clear.

68. Ms. LIN Shangzhen asked for a precise definition of the female basic people's congresses and wondered whether girls were informed about the opportunities open to them to participate in political and public life.

69. Ms. BRAVO NÚÑEZ de RAMSEY wanted to know whether the female basic people's congresses were empowered to make decisions for the country as a whole and, if so, in what areas.

70. With respect to point 4 of chapter VIII, she wanted to know in what cases access to certain posts was restricted to women.

Article 9

71. Ms. FORDE sought some clarification about the legal status of women and children with respect to nationality and wondered whether Libyan women knew what their rights were in that area.

Article 10

72. Ms. AYKOR wondered why there were differences between the number of girls and boys attending secondary schools, while at the elementary school level there was near parity. She also wished to know why a greater proportion of girls dropped out of school after the elementary level.

73. Ms. GARCÍA-PRINCE wondered about the reasons for the disparity in school attendance between boys and girls from the secondary level onwards. It was surprising that coeducation did not yet exist in a country which seemed to be making considerable strides on the path to modernization and equality.

74. Ms. ABAKA said she, too, was surprised that coeducation did not exist and asked whether there were programmes to help girls who dropped out of school. She also wanted to know whether any provision was made for instruction on family life.

Article 11

75. Ms. SCHÖPP-SCHILLING wondered what the breakdown of women in the different occupational groups was and which occupations were open or closed to women. Moreover, the inconsistencies in the data relating to the medical profession, which were sometimes broken down by gender and sometimes lumped together, should be corrected.

76. Ms. OUEDRAOGO deplored the vagueness of the information provided and asked for figures on both the participation of women in the various occupational groups and on female unemployment. Information on whether there were preferential quotas in the public sector and whether the private sector had a policy on women's employment would also be welcome.

77. Ms. ABAKA wondered whether Libyan law was not overly protective of women by excluding them from occupations which required hard and dangerous work or were incompatible with women's nature and asked what the occupations in question were.

78. Ms. BRAVO NÚÑEZ de RAMSEY wanted to know exactly what type of unpaid farm work was considered an activity contributing to the gross national product.

79. The last paragraph of chapter XII stated that employers with a workforce which included more than 50 working women were required to provide child-care services. In view of the small number of enterprises of that size in developing countries and of the fact that access to such services must be very limited, the threshold might be set at 50 workers rather than 50 working women, as had been done in other countries.

Article 12

80. Ms. SCHÖPP-SCHILLING noting that there were more men than women in Libya, wondered what the reasons were for that unusual situation and whether any measures had been taken in that regard.

81. Ms. OUEDRAOGO said that the large number of female nurses was a reflection of traditional stereotyping. She was surprised at the lack of information on teenage pregnancies and deplored the fact that the issue of AIDS had not been mentioned at all in the report. She wondered whether there were any statistics on that subject and whether a policy to combat that disease had been established.

82. Ms. MÄKINEN wanted to know why women could not have access to family planning services without their husband's approval.

83. Ms. AYKOR asked whether there were contract marriages in the Libyan Arab Jamahiriya and whether marriages between very close relatives were authorized. If such marriages were authorized, she would appreciate statistics thereon.

84. Ms. FORDE, referring to chapter XVII on the equality between men and women and the responsibilities of each spouse, wondered how the statistics given in that chapter were reflected in practice and asked for more explanations on the question of dowries. She sought more information concerning the sentence which

stated that "polygamy is permitted only within a very limited framework", and wished to know what the attitude of Libyan women was today with regard to polygamy.

85. Referring to the Convention on the Rights of the Child, she noted that the adoption of children was illegal in the Libyan Arab Jamahiriya and asked whether there were social reasons for that prohibition and whether further explanations could be provided on that subject.

86. Ms. CARTWRIGHT said that the provisions mentioned in paragraph 17.1 were at variance with the Convention on the Elimination of All Forms of Discrimination against Women and asked how they could be abolished.

87. Ms. GARCÍA-PRINCE drew attention to a contradiction she had noted in chapter XVII of the report, which indicated that women had the right to choose their husbands while stating that polygamy was permitted. That contradiction was surprising in that there could never be equality as long as polygamy existed.

88. Ms. LIN Shangzhen said that there seemed to be discriminatory elements in some of the provisions relating to marriage and to the rights of women discussed in chapter XVII of the report. She wondered whether measures had been taken to correct that situation, especially with regard to divorce and the custody of children. Concerning the provision that required the wife to pay compensation when she filed for divorce, she asked whether that provision could prevent wives without resources from suing for divorce. Concerning the custody of children, the fact that custody went to the father while tutelage went to the mother constituted in itself discrimination.

89. The CHAIRPERSON, summing up the Committee's discussion, thanked the Libyan Arab Jamahiriya for submitting its report on time. The Committee was mainly concerned about the question of reservations and wished to know how the Libyan Government saw the issue and whether it intended to withdraw its reservations. There had also been broad consensus within the Committee with respect to the hardships that Libyan women were suffering as a result of the implementation of sanctions against their country. As she had already stated in the Third Committee, she believed that the sanctions were basically political and had a negative impact on the lives of women and children. In that connection, she assured the Libyan Arab Jamahiriya of the Committee's solidarity.

90. In its future replies and reports, the Libyan Arab Jamahiriya should provide more comprehensive statistics and more specific information on such important subjects as migration, female school enrolment and the participation of women in political and public life.

The meeting rose at 1.10 p.m.